

COMMONWEALTH OF MASSACHUSETTS

**DIVISION OF OCCUPATIONAL SAFETY
(DOS)**

**REQUEST FOR
DOCUMENTATION IDENTIFICATION
AUTHENTICATION SOLUTION
RFR DOS 07-001**

Release Date: 09/14/2006
Bidders Conference: N/A
Written Inquiries Date: 09/27/2006
Response Due Date: 10/11/2006 4:00 P.M.

Response Location:

Mail:

**Division of Occupational Safety
399 Washington Street, 5th Floor
Boston, MA 02108
Attn: Kathleen Coyne
Program Coordinator**

Hand Deliver

**Division of Occupational Safety
399 Washington Street, 5th Floor
Boston, MA 02108
Attn: Kathleen Coyne
Program Coordinator**

RFR to Procure Identification Document Authentication System at the Massachusetts Division of Occupational Safety (“DOS”)

The DOS is seeking a scalable and cost-effective hardware and software solution to authenticate identification documents presented by customers in application for professional licensure at 2 locations, at a minimum, in Massachusetts. DOS may purchase up to 4 additional systems over the total life of the contract executed as a result of this RFR.

Initial system requirements may differ from future requirements. Therefore, an adaptable and highly flexible interface capacity is necessary and required. Bidder should describe capacity for software development and system adaptations. The preferred business solution will have the ability to add, delete or change functionality in accordance with DOS business needs.

DOS seeks to purchase a system that, at a minimum, will authenticate documents presented at DOS offices for the purpose of confirming the identities of individuals applying for professional licenses, certifications and registrations. Funding available at contract execution will determine whether DOS initially purchases a system(s) that will only authenticate identification documents or an expanded system(s) that will also store and print scanned documents and/or scan, store and print other types of documents presented by individuals at the time of professional licensure/registration/certification.

DOS also seeks to purchase a maintenance plan(s) to cover the cost of labor, parts and travel time associated with the maintenance/repair that may be necessary after the expiration of the warranty period for the system(s) purchased

The total cost of all contracts executed over the maximum 4-year duration of all contracts resulting from this RFR will be less than \$50,000.

Details and description of products and services sought:

The DOS seeks a system that, at a minimum, will capture data and be able or adaptable to capture images for the purposes of authenticating documents scanned by the system. The system must be adaptable to store both data and images and print data. The ability to print images is preferred but not required. The system must be expandable to scan, store and print other document types that may be presented at DOS offices. Ease of system operation, clarity of data captured/scanned, accuracy of document authentication results and system expansion capabilities will be primary considerations in selecting a business solution.

While the DOS expects the system to have a substantial library of documents already stored and against which documents can be authenticated, the system must have the capacity to increase this library on an on-going, as needed basis with identification documents presented at DOS and with updates to the library of documents

Need a system that:

- Can be configured and tailored to meet the specific workflow and process needs of the DOS,
- Can process and authenticate documents with speed, accuracy and reliability,
- Has the ability to read and identify documents with highly complex and customized layout, design and security features
- At a minimum, can authenticate documents which meet ICAO standards for passports, visas, and identification cards issued nationally and internationally. System library should contain driver's licenses and identification cards from all states, or at least have the capacity to authenticate these documents,
- Has the ability to determine the version of a U.S. passport that is being authenticated,
- Has the ability to authenticate the validity of passports without relying on information stored in the machine-readable area of the passport,
- Is adaptable to add non-identity-based secure documents to the authentication library,
- Is able to process the volume of documents presented at DOS branch offices each day (no more than 300 documents per day),
- Has a reporting function that is adaptable to meet DOS audit needs and tracking for any investigation of document authentication results,
- Can be configured in branch locations in accordance with a plan for the most efficient customer service possible, and
- If hardware, such as a PC or scanner, is part of the system described in the bidder's response, please indicate whether DOS may provide these items that would be integrated with the bidder's system at the time of delivery and set-up.

Interoperability:

Require a system:

- With the potential to develop a software solution to allow networking to transmit images and text from remote sites to DOS headquarters or to another authorized user or party in an efficient, and accurate manner
- With the ability to store both documents scanned and other documents presented at DOS offices as part of professional license applications
- With the ability to be integrated with a scanner, printer and/or other hardware or software necessary to capture/scan, store and print documents/images as described in this RFR.

Implementation

Once a vendor is selected, implementation of the identification document authentication system at the MA DOS will include the following:

- Identification of specific documents that are not already in the system library against which documents are authenticated. The selected vendor must provide DOS with a comprehensive list of documents included in the version of the document library that is included in the system eventually installed in DOS offices
- Comprehensive training of user staff in the use and support of the identification document authentication system. During this phase, equipment will be installed in branch locations and vendor must be available for any needed on-site support services and trouble-shooting
- Developing a plan for the on-going, continual updating of the document authentication system (hardware), and database (library), with previously absent documents is a mandatory requirement of this solicitation, as well as providing a hardware maintenance plan and guarantees. Any training required to adapt to new equipment and system adjustments during the contract period is also mandatory.

Pricing and Cost Information

The contract resulting from this procurement may be both an outright purchase for hardware, software, and technical licenses and a rate contract for any maintenance agreement(s) resulting from this RFR. Bidders are required to respond with the following cost scenarios:

- (1) The purchase cost for hardware, software and programming required to install working systems at DOS branch offices, such that the DOS owns all components of the system. The purchase cost of the hardware, software and programming required to install the working systems must include the cost of initial training of DOS staff.
- (2) If a bidder is able to provide the minimum system that DOS is seeking as well as an expanded system that will allow DOS to a) store and/or print scanned data/images and/or b) store and/or print other document types presented at DOS offices, the bidder should provide more than one cost scenario for the minimum system DOS requires and for any other expanded version of the system that the bidder is able to provide to DOS upon contract execution.
- (3) The initial warranty for the system including the length of the warranty and a list of items included in the warranty such as parts, labor and/or travel expenses.

- (4) The cost and type of any maintenance options available for the system(s) that address all system repairs/replacements as well as on-site trouble-shooting. Maintenance options must specify whether parts, labor and/or travel expenses are included and must include the rates for each item included. All options must identify ***what is not covered***. Prices for maintenance options must be listed per identification document authentication system purchased by DOS.
- (5) If there is a separate charge for updates to the document library, the vendor must specify the cost of such updates and how the updates will be delivered and installed in each system purchased.
- (6) If a bidder believes that any customization may be involved prior to or during installation of the system, an hourly rate for such customization must be listed separately.

Upon execution of a contract, the Contractor shall submit timely invoices to the DOS Chief Financial Officer or her designee, detailing the services performed, the dates of services, and the total amount of hours worked, if necessary, for that time period. Upon submission of a properly completed invoice, and the approval of the DOS Chief Financial Officer, payment shall be forwarded to the Contractor within thirty (30) days.

Nothing written in this procurement will in any way be considered a substitution for the Commonwealth's Standard Terms and Conditions, nor is it the intent of the DOS to make such substitutions.

Business and Technical Requirements

Vendor should submit a response that describes their approach to address the following requirements:

- Identify contents of document authentication system library, naming the specific documents now in the library,
- Provide specific details of how and with what frequency the vendor will accomplish updating of the document library against which the DOS can validate documents, taking into consideration that systems will be in 2-6 different locations,
- Explain what type of reports can be generated by the system, what potential exists to create customized reports and what would be required to accomplish this customization,
- Present a plan for the implementation of services described by the procuring agency, with estimated timeframes to accomplish such implementation and any potential roadblocks the vendor can foresee,
- Identify the staff who would provide:
 - Training of DOS user staff

- On-site problem-solving
 - Development of software solutions
- Describe your approach to ensure that any system purchased keeps pace with technological evolution related to document authentication,
- Describe and explain any system or platform requirements involved in installation of hardware and software. Note any unusual requirements, which would not likely already be in place at the procuring agency as part of day-to-day business and computer systems and operations, and
- Describe how your business solution can prevent the potential for a DOS employee to tamper with results that would otherwise indicate fraud or attempts at fraud on the part of presenting customers.

Acquisition method:

Outright purchase for hardware, software, including document library updates, and programming services. A rate contract may be necessary for any maintenance option purchased by DOS

Request is for a single contractor. However, if an additional contractor or contractors are necessary to expand the identification document system to meet the needs of DOS, contracts may be executed with additional contractors.

Contract duration is two years, with two one-year renewal options

Bid Pricing Summary

1. All bids must include a fixed price for each piece of equipment purchased that assumes a minimum purchase of two (2) units. Price shall be *per unit*. If additional units are purchased over the life of the contract executed, prices may be negotiated at the time the additional units are purchased.
2. All bids must include an hourly rate either blended for all activities or broken down by function including at least the following functions:
 - a. Installation services
 - b. Customization services
 - c. Training services
3. All bids must include a separate price for maintenance, outlining the vendor rates for the following and others that apply:

- a. License fees; if applicable, please define and describe
 - b. Ongoing maintenance; please define
 - c. System library updates; please define
4. All bids must guarantee prices of hardware for sixty days from date of bid closure date. Labor/maintenance rates must be guaranteed for at least one year after bid closure date.
5. Bids should include the terms for prompt pay discounts if offered.

Submission Requirements:

A minimum one-hour presentation/demonstration is required of all responding vendors. Presentations will be at the Division of Occupational Safety, 399 Washington Street, 5th Floor, Boston, MA. Presentations will be scheduled with the bidding vendors after the deadline for submission of bids.

Responses must include at least three references from businesses that are currently using or have used the bidder's identification authentication system for at least one year. Please use the Business Reference Form located at www.mass.gov/osd (scroll down to "Key Resources" on the bottom left side and click on "OSD Forms")

Submit complete bidder response to Kathleen Coyne, Program Coordinator, by **4:00 p.m. on October 11, 2006** in any of the following manners:

- 1) Via e-mail: Kathleen.Coyne@state.ma.us
- 2) By post to: Kathleen Coyne, Program Coordinator, Division of Occupational Safety
399 Washington Street, 5th Floor, Boston, MA 02108
- 3) In person at DOS Headquarters at the address noted above. Responses must be addressed to Kathleen Coyne, Program Coordinator.

Inquiries (in writing or e-mail only; no telephone calls) will be accepted until 4:00 p.m. on September 27, 2006

Responses to inquiries will be posted to DOS's website www.mass.gov/dos (click on the link "RFR DOS 07-001: Identification Document Authentication) by 1:00 p.m. on September 29, 2006.

Any amendments to the RFR will be posted on DOS's website prior to bid closure. It is the responsibility of all interested bidders to check DOS's website for any updates or amendments posted.

Additional Requirements for Bidder(s) awarded a contract as a result of this RFR:

Bidder(s) selected for contract award(s) will be required to complete and submit the following documents that may be found at www.mass.gov/osd (scroll down to “Key Resources” on the bottom left side and click on “OSD Forms”):

- 1) Commonwealth Terms and Conditions (if a current form is not already on file with the Office of the State Comptroller)
- 2) W-9 Form (if a current form is not already on file with the Office of the State Comptroller)
- 3) Commonwealth of Massachusetts Standard Contract Form
- 4) Northern Ireland Notice

Copies of these documents are also attached to this RFR.

RFR - REQUIRED SPECIFICATIONS

Refresh Date: November 1, 2005

In general, most of the required contractual stipulations are referenced in the *Standard Contract Form and Instructions* and the *Commonwealth Terms and Conditions* (either version). However, the following RFR provisions must appear in all Commonwealth competitive procurements conducted under 801 CMR 21.00:

The terms of *801 CMR 21.00: Procurement of Commodities and Services* (and *808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services*, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR.

Items with the text, "*☞ Required for POS Only*" specify a requirement for Purchase of Service (POS) human and social services procured under *801 CMR 21.00, Procurement of Commodities or Services, Including Human and Social Services* and *808 CMR 1.00, Compliance, Reporting and Auditing for Human and Social Service*.

Affirmative Market Program (AMP). Massachusetts Executive Order 390 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs) that resulted in the Affirmative Market Program in Public Contracting. M/WBEs are strongly encouraged to submit responses to this RFR, either as prime vendors, joint venture partners or other type of business partnerships. All bidders must

follow the requirements set forth in the AMP section of the RFR, which will detail the specific requirements relating to the prime vendor's inclusion of M/WBEs. Bidders are required to develop creative initiatives to help foster new business relationships with M/WBEs within the primary industries affected by this RFR. In order to satisfy the compliance of this section and encourage bidder's participation of AMP objectives, the Affirmative Market Program (AMP) Plan for large procurements greater than \$50,000 will be evaluated at 10% or more of the total evaluation. Once an AMP Plan is submitted, negotiated and approved, the agency will then monitor the contractor's performance, and use actual expenditures with SOMWBA certified contractors to fulfill their own AMP expenditure benchmarks. M/WBE participation must be incorporated into and monitored for all types of procurements regardless of size, however, submission of an AMP Plan is mandated only for large procurements over \$50,000.

This RFR will contain some or all of the following components as part of the Affirmative Market Program Plan submitted by bidders:

- Sub-contracting with certified M/WBE firms as defined within the scope of the RFR,
- Growth and Development activities to increase M/WBE capacity,
- Ancillary use of certified M/WBE firms,
- Past Performance or information of past expenditures with certified M/WBEs and
- Additional incentives for bidders to commit to at least one certified MBE and WBE in the submission of AMP plans.

A Minority Business Enterprise (MBE), Woman Business Enterprise (WBE), M/Non-Profit, or W/Non-Profit, is defined as such by the State Office of Minority and Women Business Assistance (SOMWBA). All certified businesses that are included in the bidder's AMP proposal are required to submit an up to date copy of their SOMWBA certification letter. The purpose for this certification is to participate in the Commonwealth's Affirmative Market Program for public contracting. Minority- and Women-Owned firms that are not currently certified but would like to be considered as an M/WBE for the purpose of this RFR should submit their application at least two weeks prior to the RFR closing date and submit proof of documentation of application for consideration with their bid proposal. For further information on SOMWBA certification, contact their office at 1-617-973-8692 or via the Internet at mass.gov/somwba.

Affirmative Market Program Subcontracting Policies. Prior approval of the agency is required for any subcontracted service of the contract. Agencies may define required deliverables including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) for the purpose of monitoring and enforcing compliance of subcontracting commitments made in a bidder's Affirmative Market Program (AMP) Plan. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors.

Best Value Selection and Negotiation. The Procurement Management Team (PMT) may select the response(s) which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the department. The PMT and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the selected bidder's or contractor's response which results in lower costs or a more cost effective or better value than was presented in the selected bidder's or contractor's original response.

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department or any member of the PMT regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through Comm-PASS.

Comm-PASS. If this RFR has been distributed electronically using the Comm-PASS system, RFR attachments that are referenced are incorporated by reference into the RFR and are available as separate files within the Forms tab and Specifications tab of the Comm-PASS Solicitation record. OSD Forms are also available at www.mass.gov/osd under the Related Links section. While Comm-PASS offers optional, value-added, automated [Comm-PASS Subscription Service](#) on an annual-fee basis, all bidders are solely responsible for obtaining and completing the required attachments that are identified in this RFR and for checking Comm-PASS for any addenda or modifications that are subsequently made to this RFR or attachments. The Commonwealth and its subdivisions accept no liability for and will provide no accommodation to bidders who fail to check for amended RFRs/Requests for Quotes (RFQs) or any other procurement opportunities and subsequently submit inadequate or incorrect responses. Bidders are advised to check the Last Changed Date field on the Summary page or the Amendment History within the Other Information tab of RFRs for which they intend to submit a response in order to ensure that they have the most recent RFR files. Bidders may not alter (manually or electronically) the RFR language or any RFR component files. Modifications to the body of the RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited and may disqualify a response.

Comm-PASS Subscription Service. The Comm-PASS Subscription Service is sponsored by the Operational Services Division. This service offers a prospective bidder a secure, web-based desktop that contains tools to track and manage postings including solicitation announcements, Request for Responses (RFRs), and Contracts that match the subscriber-designated set of categories and sub-categories on the Commonwealth's Procurement Access and Solicitation System (Comm-PASS).

Comm-PASS Basic Service will provide a subscriber with:

- Secure web-based desktop within Enhanced Comm-PASS for document management.
- A customizable profile reflecting the bidder's product/service areas of interest.
- Refined commodity and service categories and sub-categories.
- Full-cycle, automated email alert whenever a solicitation of interest is posted or updated.
- Access to Online Bidder Forums to allow for virtual attendance and participation.
- Tools to submit bids electronically to an encrypted lock-box.

Every public purchasing entity within the borders of Massachusetts may post their solicitations on Comm-PASS at no charge. Comm-PASS has the potential to become the sole site for reviewing and responding electronically to public solicitations in Massachusetts. Fees for the Comm-PASS Subscription Service are based on costs to operate, maintain and develop the Comm-PASS system.

Contract Expansion. If additional funds become available during the contract duration period, the department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute contracts with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need.

Costs. Costs which are not specifically identified in the bidder's response, and accepted by a department as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this RFR.

Debriefing/Appeals: Debriefing. *☞ Required for POS Only. This is an optional specification for non-POS RFRs.* Non-successful bidders may request a debriefing from the department. Department debriefing procedures may be found in the RFR. Non-successful POS bidders aggrieved by the decision of a department must participate in a debriefing as a prerequisite to an administrative appeal.

Debriefing/Appeals: Administrative Appeals to Departments. *☞ Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the debriefing process and remain aggrieved with the decision of the department may appeal that decision to the department head. Department appeal procedures may be found in the RFR.

Debriefing/Appeals: Administrative Appeals to OSD. *☞ Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the department appeal process and remain aggrieved by the selection decision of the department may appeal the department decision to the Operational Services Division. The basis for an appeal to OSD is limited to the following grounds:

1. The competitive procurement conducted by the department failed to comply with applicable regulations and guidelines. These would be limited to the requirements of 801 CMR 21.00 or any successor regulations, the policies in the OSD Procurement Information Center, subsequent policies and procedures issued by OSD and the specifications of the RFR; or
2. There was a fundamental unfairness in the procurement process. The allegation of unfairness or bias is one that is easier to allege than prove, consequently, the burden of proof rests with

the bidder to provide sufficient and specific evidence in support of its claim. OSD will presume that departments conducted a fair procurement absent documentation to the contrary.

Requests for an appeal must be sent to the attention of the State Purchasing Agent at Room 1017, One Ashburton Place, Boston, MA 02108 and be received within fourteen (14) calendar days of the postmark of the notice of the department head's decision on appeal. Appeal requests must specify in sufficient detail the basis for the appeal. Sufficient detail requires a description of the published policy or procedure which was applied and forms the basis for the appeal and presentation of all information that supports the claim under paragraphs 1 or 2 above. OSD reserves the right to reject appeal requests based on grounds other than those stated above or those submitted without sufficient detail on the basis for the appeal.

The decision of the State Purchasing Agent shall be rendered, in writing, setting forth the grounds for the decision within sixty (60) calendar days of receipt of the appeal request. Pending appeals to the State Purchasing Agent shall not prohibit the department from proceeding with executing contracts.

Electronic Communication/Update of Bidder's/Contractor's Contact Information. It is the responsibility of the prospective bidder and awarded contractor to keep current the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the PMT, including requests for clarification. The PMT and the Commonwealth assume no responsibility if a prospective bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the PMT to be lost or rejected by any means including email or spam filtering.

Electronic Funds Transfer (EFT). All bidders responding to this RFR must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments, unless the bidder can provide compelling proof that it would be unduly burdensome. EFT is a benefit to both contractors and the Commonwealth because it ensures fast, safe and reliable payment directly to contractors and saves both parties the cost of processing checks. Contractors are able to track and verify payments made electronically through the Comptroller's Vendor Web system. A link to the EFT application can be found on the [OSD Forms](http://www.mass.gov/osd) page (www.mass.gov/osd). Additional information about EFT is available on the [VendorWeb](http://www.mass.gov/osc) site (www.mass.gov/osc). Click on MASSfinance.

Successful bidders, upon notification of contract award, will be required to enroll in EFT as a contract requirement by completing and submitting the *Authorization for Electronic Funds Payment Form* to this department for review, approval and forwarding to the Office of the Comptroller. If the bidder is already enrolled in the program, it may so indicate in its response. Because the *Authorization for Electronic Funds Payment Form* contains banking information, this form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

The requirement to use EFT may be waived by the PMT on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in its response. The PMT will consider such requests on a case-by-case basis and communicate the findings with the bidder.

Environmental Response Submission Compliance. In an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all responses submitted should comply with the following guidelines:

- All copies should be printed double sided.
- All submittals and copies should be printed on recycled paper with a minimum post-consumer content of 30% or on tree-free paper (i.e. paper made from raw materials other than trees, such as kenaf). To document the use of such paper, a photocopy of the ream cover/wrapper should be included with the response.
- Unless absolutely necessary, all responses and copies should minimize or eliminate use of non-recyclable or non re-usable materials such as plastic report covers, plastic dividers, vinyl sleeves and GBC binding. Three ringed binders, glued materials, paper clips and staples are acceptable.
- Bidders should submit materials in a format which allows for easy removal and recycling of paper materials.
- Bidders are encouraged to use other products which contain recycled content in their response documents. Such products may include, but are not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Where appropriate, bidders should note which products in their responses are made with recycled materials.
- Unnecessary samples, attachments or documents not specifically asked for should not be submitted.

Filing Requirements. *☞ Required for POS Only. Not applicable to non-POS bidders.* Successful bidders must have filed their Uniform Financial Statements and Independent Auditor's Report (UFR), as required for current contractors, with the Operational Services Division via the Internet using the UFR eFiling application for the most recently completed fiscal year before a contract can be executed and services may begin. Other contractor qualification/risk management reporting requirements and non-filing consequences promulgated by secretariats or departments pursuant to 808 CMR 1.04(3) may also apply. In the event immediate services are required by a department, a contract may be executed and services may begin with the approval of OSD and the appropriate secretariat. However, unless authorized by OSD and the appropriate secretariat, the contractor will not be paid for any such services rendered until the UFR has been filed.

HIPAA: Business Associate Contractual Obligations. Bidders are notified that any department meeting the definition of a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) will include in the RFR and resulting contract sufficient language establishing the successful bidder's contractual obligations, if any, that the department will require in order for the department to comply with HIPAA and the privacy and security regulations promulgated thereunder (45 CFR Parts 160, 162, and 164) (the Privacy and Security Rules). For example, if the department determines that the successful bidder is a business

associate performing functions or activities involving protected health information, as such terms are used in the Privacy and Security Rules, then the department will include in the RFR and resulting contract a sufficient description of business associate's contractual obligations regarding the privacy and security of the protected health information, as listed in 45 CFR 164.314 and 164.504 (e), including, but not limited to, the bidder's obligation to: implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the protected health information (in whatever form it is maintained or used, including verbal communications); provide individuals access to their records; and strictly limit use and disclosure of the protected health information for only those purposes approved by the department. Further, the department reserves the right to add any requirement during the course of the contract that it determines it must include in the contract in order for the department to comply with the Privacy and Security Rules. Please see other sections of the RFR for any further HIPAA details, if applicable.

Minimum Bid Duration. Pursuant to MGL c. 106, Section 2-205, bidders responses/bids made in response to this RFR must remain in effect for 90 days from the date of bid submission.

Northern Ireland Notice and Certification. All bidders must complete the Northern Ireland Notice and Certification form to satisfy M.G.L. c.7 section 22C, which states that no state agency may procure commodities or services from any bidder employing ten (10) or more employees in an office or other facility located in Northern Ireland unless the bidder certifies through the notice and certification form that if it employs ten or more employees in Northern Ireland, a) the bidder does not discriminate in employment, compensation or the terms, conditions and privileges of employment on account of religious or political belief, b) the bidder promotes religious tolerance within the workplace and the eradication of any manifestations of religious and other illegal discrimination and, c) the bidder is not engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles or military aircraft for use or deployment in any activity in Northern Ireland.

Pricing: Federal Government Services Administration (GSA) or Veteran's Administration Supply. The Commonwealth reserves the right to request from the successful bidder(s) initial pricing schedules and periodic updates available under their GSA or other federal pricing contracts. In the absence of proprietary information being part of such contracts, compliance for submission of requested pricing information is expected within 30 days of any request. If the contractor receives a GSA or Veteran's Administration Supply contract at any time during this contract period, it must notify the Commonwealth contract manager.

Pricing: Price Limitation: The bidder must agree that no other state or public entity customer within the United States of similar size and with similar terms and conditions shall receive a lower price for the same commodity and service during the contract period, unless this same lower price is immediately effective for the Commonwealth. If the Commonwealth believes that it is not receiving this lower price as required by this language, the bidder must agree to provide current or historical pricing offered or negotiated with other state or public entities at any time during the contract period in the absence of proprietary information being part of such contracts.

Provider Data Management. *☞ Required for POS Only. Not applicable to non-POS bidders.* The Executive Office of Health and Human Services (EOHHS) has established a Provider Data Management (PDM) business service that is integrated into the Virtual Gateway. PDM is accessible by providers with current POS contracts. Departments may require that bidders with current POS contracts submit certain RFR-required documents through PDM. These documents have been specified in the RFR. When submitting documents via PDM, bidders are required to print and sign a PDM Documentation Summary. PDM users should verify that all information is accurate and current in PDM. Bidders are required to include the signed PDM Documentation Summary in their RFR response.

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., c. 66, s. 10, and to c. 4, s. 7, ss. 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

Reasonable Accommodation. Bidders with disabilities that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case-by-case basis. A bidder requesting accommodation may be required to confirm his or her request in writing to the contact person. The request must state that it is based on a disability and specifically identify the accommodation desired. Although entities of the Commonwealth will make all reasonable efforts to accommodate the requests of bidders with disabilities, they reserve the right to reject unreasonable requests.

Restriction on the Use of the Commonwealth Seal. Bidders and contractors are not allowed to display the Commonwealth of Massachusetts Seal in their bid package or subsequent marketing materials if they are awarded a contract because use of the coat of arms and the Great Seal of the Commonwealth for advertising or commercial purposes is prohibited by law.

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.